IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2714 OF 2004

Shri Harishchandra Trimbak Patil ..Petitioner
Versus
1.The State of Maharashtra & ors. ..Respondents

Mr.S.R. Borulkar with Ulhas Naik for petitioner
Mr.D.S.Mhaispurkar, APP for respondent no.1 and 2.

CORAM : R.M.S.KHANDEPARKAR &
P.V.KAKADE, JJ.

DATE : 7TH FEBRUARY, 2005.

P.C.:

. Heard.

2. The Petitioner challenges the order passed by the authorities cancelling the licence, which was issued in favour of the petitioner for use of the arms under the Arms Act, on the ground that the authority was satisfied on the basis of the material placed before it and after hearing to the petitioner that petitioner had misused the arm and had committed breach of the condition of the Licence.

3. It is sought to be contended that subsequent to passing of the said order the Petitioner was acquitted in a criminal case, which was instituted in relation to the incident based on which the impugned order of cancellation of licence was passed. It is to be noted that the acquittal by the Magistrate is in relation to the offence under Sections 341, 324, 506(2) and 504 of the Indian Penal Code. Mere acquittal from the criminal liabilities cannot give the benefit to the petitioner to contend that the order passed by the authority cancelling the licence on account of misuse of the arm and committing breach of the conditions of the licence would render invalid or illegal. The authority having passed the order on being satisfied on the basis of the materials placed before it and after giving opportunity to the petitioner of being heard in the matter that there was misuse of the arm and consequently there was a breach of the condition of the licence, acquittal of the petitioner in the criminal case for the same incident relating to the misuse of the arm, cannot render the said order passed by the authority cancellation of licence to be invalid. Ingredients of the criminal offence for which the petitioner was charged are totally

different from the ingredients which are to be established for the purpose of cancellation of licence. Once the authority was satisfied about the breach of licence on account of the acts by the Petitioner in relation to arm that itself would be sufficient to pass the order of cancellation of the licence. That is not the case in relation to the criminal liability of the petitioner for the purpose of his conviction under Section 341, 324, 506(b) and 504 of Indian Penal Code. Acquittal from the criminal liability does not dispense the fact of misuse of the arm by the petitioner. Considering the same no fault can be found with the order of cancellation of licence passed by the authority and hence there is no case to interfere therein in a writ jurisdiction. The Petition therefore is rejected.

(R.M.S.Khandeparkar, J.)

(P.V.Kakade, J.)